STATE OF NEW HAMPSHIRE

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF MEDICAID BUSINESS AND POLICY

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Nicholas A. Toumpas
Acting Commissioner

Norman W. Cordell
Director

August 30, 2007

Re: Tamper-Resistant Prescription Pads

Dear Medicaid Prescription Prescriber and Dispenser,

The purpose of this letter is to update you on a new requirement recently imposed at the federal level with respect to tamper-resistant prescription pads, inform you of the next action step that the Office of Medicaid Business and Policy, Department of Health and Human Services plans to take in order to facilitate the implementation of this requirement and solicit your full support for the accomplishment of our mutually desired objectives which are in the best interest of the patients we serve.

The U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (H.R. 2206) section 7002(b), pg 76 signed into law on May 25, 2007 and the Centers for Medicare and Medicaid Services (CMS) State Medicaid Director Letter of August 17, 2007 now requires that states mandate the use of tamper-resistant prescription pads for the Medicaid Program effective October 1, 2007. This new requirement applies to all outpatient drugs, including over the counter drugs in States that reimburse for such items and is applicable regardless of whether Medicaid is the primary or secondary payor for the prescription being filled.

This new requirement does not apply to drugs provided under the following circumstances:

- The refills of written prescriptions presented at a pharmacy before October 1, 2007
- Electronic prescriptions transmitted to the pharmacy
- Prescriptions faxed to the pharmacy from a known medical entity
- Prescriptions communicated to the pharmacy by telephone by a prescriber or their agent
- Emergency fills of non-controlled or controlled dangerous substances for prescriptions written on non-tamper resistant pads as long as the prescriber provides the pharmacy with a verbal, faxed, electronic, or compliant written prescription within 72 hours after the date on which the prescription was filled. Verbal orders for a prescription written on a non-compliant prescription pad must be documented in writing on the face of the otherwise non tamper-resistant prescription form.

Effective for dates of service on and after October 1, 2007, a prescription pad must include **ONE** of the following numbered characteristics:

1. One or more industry-recognized features designed to prevent unauthorized copying of a completed or blank prescription form. Examples include but are not limited to:
   - High security watermark on reverse side of blank
   - Thermochromic ink
   - Word(s) such as "VOID" appears when copied
   - Colored security background
   - Security watermark or holograms on the back or front to verify the document is an original
   - Microprinting in border or signature line that cannot be copied

2. One or more industry-recognized features designed to prevent the erasure or modification of information written on the prescription by the prescriber. Example includes but is not limited to:
   - Tamper-resistant background ink which would show erasures or any attempts to change written information

3. One or more industry-recognized features designed to prevent the use of counterfeit prescription forms. Examples include but are not limited to:
   - Sequentially numbered blanks
   - Hidden fibers

Effective for dates of service on and after October 1, **2008**, a prescription pad must contain **ALL THREE** of the numbered characteristics listed.

The Department is not in a position to endorse any specific vendor/s that supply tamper-resistant pads. In addition, the Drug Enforcement Administration and New Hampshire Board of Pharmacy laws and regulations pertaining to written and electronic prescriptions for Schedule II drugs still apply.

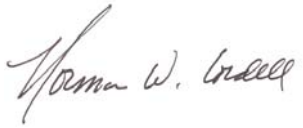
The Department encourages prescribers to adopt the use of electronic prescribing as an effective and efficient method of communicating prescriptions to pharmacists for all their patients. The use of electronic prescribing will contribute toward the reduction of unauthorized, improperly altered and counterfeit prescriptions in the most efficient and effective manner possible.

During the month of September the Department will be convening a group of stakeholders from across the State who represent the prescribing and dispensing communities to facilitate the implementation of this new requirement, identify and resolve issues of concern and work together to ensure this program is a success.

Our program point of contact for this initiative is Doris Lotz, MD, MPH, Medicaid Medical Director who can be reached at 603-271-8166 or dlotz@dhhs.state.nh.us. Our technical support point of contact is Lise Farrand, R.Ph. who can be reached at 603-271-4419 or lfarrand@dhhs.state.nh.us. Please feel free to contact either one in order to acquire any additional information or assistance as may be necessary.

Your cooperation and assistance with this matter is appreciated.

Sincerely,



Norman W. Cordell, FACHE
Medicaid Director